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AUG 09 2006

Application No. 10/687,042

Attorney Docket No. PU020446

REMARKS

Claims 1-17 are pending in this application.

Rejection of Claim 15 under 35 USC§ 112, second paragraph

Claim 15 was rejected as not providing proper antecedent basis for the term "means for displaying." Claim 15 has been amended to depend from claim 10 and thus provide proper antecedent basis for this term. In view of the amendments to claim 15 it is respectfully submitted this rejection is satisfied and should be withdrawn.

Rejection of Claims 1-3, 5-6, 9-12, 14-15 under 35 USC § 103(a)

Claims 1-3, 5-6, 9-12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (U.S. Patent No. 5,450,079).

The present claimed invention provides a remote control comprising a housing, a controller and a display supported by the housing. The display is also coupled to the controller for communication. The display is further divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and labels, and a programmable message area operative to display user selected alphabetic characters. A memory is coupled to the controller for communication. The memory contains program instructions that allow a user to define a custom label for one of a plurality of selectable buttons that is displayed in the message area when the selected one of the plurality of buttons is actuated. Similar features to those discussed above are included in both independent claims 1 and 10 and thus all arguments presented herein apply to each of these claims.

Dunaway describes a multimodal control device having electrically alterable keypad designations which may be used for selecting designated functions in a plurality of multimedia processing units. Multiple user selectable keypads are provided for initiating transmission of control signals utilizing a wireless transmission system. An

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 electrically alterable graphic designation is provided in association with each user selectable keypad so that a function associated with each particular keypad for a given multimedia process unit may be visually determined. The electrically alterable graphic designation is then varied in response to selection of an alternate mode of operation wherein the functions associated with each user selectable keypad for an alternate multimedia processing unit may be displayed.

The Office Action contends that Dunaway discloses a remote control comprising a housing, a controller supported by the housing and a display supported by the housing and coupled to the controller for communication therewith. The Office Action further contends that Dunaway discloses that the display is divided into a pre-etched touch screen area defining a plurality of touch selectable buttons. Applicant respectfully disagrees.

In the present claimed invention "The buttons 60 are pre-etched on the LCD rather than made up of individual pixels or a dot matrix. Thus, the outline of a button may be etched on the LCD. This reduces the cost of the button area 50. As such, each button 60 may be individually turned on and off. A particular mode of operation (e.g. TV, VCR, DVD) may have some of the buttons 60 on while some of the buttons 60 may be off. Button 60a is representative of a button being on, while button 60b is representative of a button being off. In a given mode of the remote 10, one or more buttons may be off (not visible and/or not usable) while one or more buttons may be on. In a default state of the remote 10, some buttons are turned on while others are turned off so they don't appear at all." (See page 6, lines 17-26 of the present specification)

While Dunaway describes a plurality of user selectable keypads (24-42, Fig. 2A) that include associated graphic designation which identifies a particular function of a multimedia processing unit, the keypad described in Dunaway is not the same as the pre-etched touch screen area that define a plurality of touch selectable buttons and labels in the present claimed invention. In the present claimed invention, "Each label is, like buttons, pre-etched on the LCD rather than made up of individual pixels or a dot matrix" (see page 6, lines 29-30). In Dunaway, the "user selectable keypad 24-42 may

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be provided utilizing a plurality of mechanical switches with each textual and/or graphic designation being provided in an adjacent portion of graphic display 22 (see Fig. 2b) or, in the embodiment depicted within Fig. 2a, each user selected keypad 24-42 may be provided by utilizing a touch overlay which is disposed in an overlying relationship with graphic display 22." The plurality of mechanical switches and graphic overlays of Dunaway are not the same as the pre-etched touch-screen area defining buttons and associated labels of the present claimed invention. Thus, Dunaway neither discloses nor suggests a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, and a programmable message area operative to display alphabetic characters" are recited in claims 1 and 10 of the present invention.

In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in either Schradi et al. or Rowlandson, when taken alone or in combination, that makes the present invention as claimed in claims 3, 5-7, 24 and 25 unpatentable. Consequently, it is respectfully submitted that this rejection is satisfied and withdrawal of the Rejection of Claims 3, 5-7, 24 and 25 under 35 USC 103(a) is respectfully requested.

In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Dunaway that makes the present invention as claimed in claims 1 and 10 unpatentable. Since claims 2, 3, 5, 6, 9, 11, 12, 14 and 15 are dependant on independent claims 1, and 10, it is respectfully submitted that these claims are also patentable for the same reasons discussed above with respect to claims 1 and 10. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

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Rejection of Claims 4, 7-8, 13 under 35 USC § 103(a)

Claims 4, 7-8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (U.S. Patent No. 5,450,079) as applied to claims 1-3, 5-6, 9-12, 14-15 above, and in further in view of Sampsell (U.S. Patent No. 6,496,122).

Sampsell describes an image display and remote control system capable of displaying two distinct images simultaneously. One image is shown on an image display device such as a television or computer monitor. The other image is shown on a remote control included in an image display system. The remote control has a learning mode with on-screen feedback making the image display system backward and forward compatible with a wide array of image display devices.

The Office Action states that Dunaway does not specifically disclose that a custom label is defined during a learning mode of the remote. However, the Office Action contends that Sampsell describes a remote control device similar to Dunaway and includes a learning mode such that the user can select the command to be learned in an order desired by the user. While Sampsell does provide a learning mode for a remote control device, Sampsell, similarly to Dunaway, neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, and a programmable message area operative to display user selected alphabetic characters” are recited in claims 1 and 10 of the present invention. As described above, the buttons are pre-etched on the LCD rather than made up of individual pixels or a dot matrix. This pre-etching reduces the cost of the button area and each button may be individually turned on and off. A particular mode of operation (e.g. TV, VCR, DVD) may have some of the buttons on while some of the buttons may be off. In a default state of the remote 10, some buttons are turned on while others are turned off so they don’t appear at all.

Furthermore, the combination of the system of Dunaway with the system of Sampsell as suggested in the Office Action would not result in the present claimed invention. This combination would result in a multimodal remote control device

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having electrically alterable keypad designations that provides an image display on the remote control unit. The combination of Dunaway with Sampsell neither discloses nor suggests a "display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons, and a message area operative to display alphabetic characters" as recited in claims 1 and 10 of the present invention.

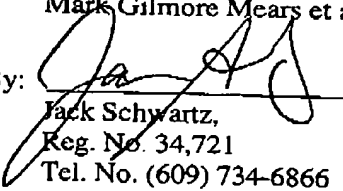
In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Dunaway that makes the present invention as claimed in independent claims 1 and 10 unpatentable. Since claims 4, 7, 8 and 13 are dependant on independent claims 1 and 10, it is respectfully submitted that these claims are also patentable for the same reasons discussed above with respect to claims 1 and 10. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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